

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Matsumoto, et al.	Docket No.	MBJ-0525
Serial No.	10/551,268	Examiner:	N/A
Filed:	3/5/2004	Group Art Unit:	N/A
For:	Cement Additive		

**Mail Stop Missing Parts**  
**COMMISSIONER FOR PATENTS**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

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Linda K. Foster  
(type or print name of person signing paper)

Linda K. Foster  
(signature of person mailing paper)

June 13, 2006  
(date)

**TRANSMITTAL SHEET**

Enclosed is:

Transmittal Sheet with Certificate of Mailing and Authorization to Charge Deposit Account  
Letter to Correct Customer Number (w/copy of Original Application Data Sheet)  
Notice to File Missing Parts of Nonprovisional Application  
Completion of Filing Requirements  
Statement By Attorney  
Declaration/Power of Attorney (3 pages), Preliminary Amendment Attached  
Check in the Amount of \$130.00  
Return Receipt Post Card

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

In the event an additional fee is applicable to the filing of this document and the required fee is not enclosed, or the fee submitted is insufficient, the Commissioner is hereby authorized to charge any fees for Docket No. MBJ-0525 that might be required to effect the filing of this (these) documents to Account No. ~~10-0988~~. This certificate is submitted in duplicate.

**50-3275**

06/16/2006 MKAYPAGH 00000142 10551268

01 FC:1617 130.00 OP

Customer No. 23575

Respectfully submitted,

Joseph G. Curatolo  
Joseph G. Curatolo, Esq. (Reg. No. 28,837)  
Curatolo Sidoti Co., LPA  
24500 Center Ridge Road, Suite 280  
Cleveland, OH 44145  
Telephone: 440.808.0011  
Attorney for Applicants

Date June 13, 2006

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

International Application Number	International Filing Date	Priority Date Claimed
PCT/EP04/02254	03/05/2004	04/03/2003
U.S. Serial Number	Applicant(s) for DO/US	
10/551,268	Toshimi MATSUMOTO, et al.	
Title of Invention		
Cement Additive		
Docket No. MBJ-0525		

**Mail Stop PCT**  
**Commissioner For Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

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June 13, 2006

(date)

**COMPLETION OF FILING REQUIREMENTS**  
**FOR INTERNATIONAL APPLICATION ENTERING NATIONAL**  
**STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 USC §371**

- I. This replies to the Notification of Missing Requirements Under 35 USC 371 (Form PCT/DO/EO/905) in the United States Designated/Elected Office (DO/EO/US) mailed May 30, 2006.



A copy of the Notification of Missing Requirements under 35 USC §371 and 37 CFR 1.494 in the United States Designated/Elected Office is enclosed (Form PCT/DO/EO/905).

**DECLARATION OR OATH**

II.

(a)



No executed original declaration or oath was filed. Enclosed is the original executed declaration or oath for this application.

**OR**

(b)



The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the USPTO is the application which the inventor executed by signing the declaration.
- (d) ☒ Statement that the "attached" paper is a copy of the amendment that was filed in the USPTO with the specification to obtain the filing date.

#### AMENDMENT

- III. ☐ An amendment in accordance with 37 CFR §1.121 is attached.
- ☐ The attached amendment

#### TRANSMITTAL OF ENGLISH TRANSLATION OR NON-ENGLISH LANGUAGE PAPERS

- IV. ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the USPTO.

#### SMALL ENTITY STATUS

- V. Applicant is
- [ ] a small entity  
verified statement:
- [ ] enclosed
- [ ] already filed in application
- [X] other than a small entity

#### COMPLETION FEES

- VI.
1. Filing Fee
- ☐ original patent application (37 CFR 1.16(a)- \$790; Small entity - \$395) \$ 0.00
- ☐ Design application (37 CFR 1.16(f) \$330; small entity - \$165) \$ 0.00

2. Fees for claims

- ☐ each independent claim in excess of 3  
(38 CFR 1.16(b)-\$82; small entity -\$41) \$ 0.00
- ☐ each claim in excess of 20 (37 CFR 1.16(c)-\$22;  
small entity-\$11) \$ 0.00
- ☐ multiple dependent claim(s) (37 CFR 1.16(d) - \$270;  
small entity- \$135) \$ 0.00

3. Surcharge Fees

- ☐ late payment of filing fee  
and/or
- ☒ late filing of original declaration or oath (37 CFR 1.16(e) - \$130;  
small entity - \$65); \$ 130.00

4. ☐ Petition and fee for filing by other than all the inventors or person not the  
inventor (37 CFR 1.17(h) and 1.47 - \$130) \$ 0.00

5. ☐ Fee for processing an application filed with a specification in a non-  
English language (37 CFR 1.17(k) and 1.52(d)-\$130) \$ 0.00

6. ☐ Fee for processing and retention of application (37 CFR 1.21(l) and  
1.53(d)-\$300) \$ 0.00

Total completion fees \$ 130.00

**EXTENSION OF TIME**

VII.

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out  
in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Extension months</u>	<u>Fee for other than small entity</u>	<u>For small entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$ 2,160.00	\$ 1,080.00
Extension Fee		\$ <u>0.00</u>

If an additional extension of time is required please consider this a petition therefor.

Based on the extension requested in this petition, the extended period for response will expire on \_\_\_\_\_.

or

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

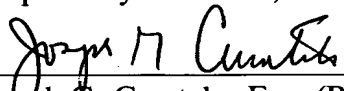
6. Fee Payment

Attached is a check in the amount of \$ 130.00

7. Fee deficiency

☒ If any additional extension and/or fee is required for this case MBJ-0525, charge Deposit Account No. 50-3275. A duplicate of this transmittal is attached.

Respectfully submitted,

  
 Joseph G. Curatolo, Esq. (Reg. No. 28,837)  
 Curatolo Sidoti Co., LPA  
 24500 Center Ridge Road, Suite 280  
 Cleveland, OH 44145  
 Telephone: 440.808.0011  
 Customer No. 23575  
 Attorney for Applicants

June 13, 2006  
 Date

<u>Extension months</u>	<u>Fee for other than small entity</u>	<u>For small entity</u>
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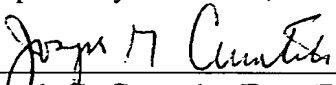
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 Cleveland, OH 44145  
 Telephone: 440.808.0011  
 Customer No. 23575  
 Attorney for Applicants

June 13, 2006  
 Date



06-14-06

UNITED STATES PATENT AND TRADEMARK OFFICE

PCT \$

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
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 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/551,268	FIRST NAMED APPLICANT Toshimi Matsumoto	ATTY. DOCKET NO. MBJ-0525
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INTERNATIONAL APPLICATION NO. PCT/EP04/02254
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I.A. FILING DATE 03/05/2004	PRIORITY DATE 04/03/2003
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23565  
 KLAUBER & JACKSON  
 411 HACKENSACK AVENUE  
 HACKENSACK, NJ 07601

RECEIVED

JUN 13 2006

KLAUBER &amp; JACKSON

CONFIRMATION NO. 8222

371 FORMALITIES LETTER



\*OC000000018998040\*

Date Mailed: 05/30/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/29/2005
- Copy of the International Search Report filed on 09/29/2005
- Copy of IPE Report filed on 09/29/2005
- Preliminary Amendments filed on 09/29/2005
- Information Disclosure Statements filed on 09/29/2005
- Oath or Declaration filed on 09/29/2005
- Request for Immediate Examination filed on 09/29/2005
- U.S. Basic National Fees filed on 09/29/2005
- Priority Documents filed on 09/29/2005
- Specification filed on 09/29/2005
- Claims filed on 09/29/2005
- Abstracts filed on 09/29/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,268	PCT/EP04/02254	MBJ-0525



1AP7 Rec'd PCT/PTO 13 JUN 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

International Application Number	International Filing Date	Priority Date Claimed
PCT/EP04/02254	03/05/2004	04/03/2003
U.S. Serial Number	Applicant(s) for DO/US	
10/551,268	Toshimi MATSUMOTO, et al.	
Title of Invention: Cement Additive		
Docket No. MBJ-0525		

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Linda K. Foster  
(type or print name of person signing paper)

Linda K. Foster  
(signature of person mailing paper)

June 13, 2006  
(date)

LETTER TO CORRECT CUSTOMER NUMBER

We wish to bring to attention of the Office that the incorrect customer number for the above-referenced application has been entered into the records of the U.S. Patent & Trademark Office, and the "Notification of Missing Requirements" was mailed to customer number 23565 instead. A copy of the Application Data Sheet that accompanied the filing of the Application is attached for the convenience of the Office.

Please correct this error to ensure that all future correspondence is mailed to our Customer No. 23575. Any questions regarding this request may be directed to the undersigned attorney by telephone.

Respectfully submitted,

Joseph G. Curatolo

Customer No. 23575

Joseph G. Curatolo, Esq. (Reg. No. 28,837)  
Curatolo Sidoti Co., LPA  
24500 Center Ridge Road, Suite 280  
Cleveland, OH 44145  
Telephone: 440.808.0011  
Attorney for Applicants

Date June 13, 2006